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OFFICE OF PETITIONS

In re	:
Squires, et al.	:
Application No. 09/927,946	: DECISION ON APPLICATION
Filed: August 10, 2001	: FOR PATENT TERM ADJUSTMENT
Patent No. 7,024,296	: AND
Issued: April 4, 2006	: NOTICE OF INTENT TO ISSUE
	: CERTIFICATE OF CORRECTION

This decision is in response to the "REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT DETERMINATION UNDER 35 U.S.C. 154(b)(3)(B)(ii)", filed June 2, 2006.

The request for correction of the determination of patent term adjustment (PTA) is **GRANTED** to the extent indicated herein.

The patent term adjustment indicated on the patent is to be corrected by issuance of a certificate of correction showing a revised Patent Term Adjustment of **one hundred fifty-seven (157)** days.

On April 4, 2006, the above-identified application matured into U.S. Patent No. 7,024,296. The patent issued with a Patent Term Adjustment of two hundred forty-seven (247) days.

The Office determined a patent term adjustment of two hundred forty-seven (247) days based on an adjustment for PTO delay of seventy-one (71) days pursuant to 35 U.S.C. 154(b)(1)(A)(i) and 37 C.F.R. §1.703(a)(1), and two hundred fifty-three (253) days pursuant to 35 U.S.C. 154(b)(1)(B) and 37 C.F.R. § 1.703(b), reduced by Applicants' delays of seven (7) days pursuant to 35 U.S.C. 154(b)(2)(C)(ii) and 37 C.F.R. §1.704(b) and seventy (70)

days pursuant to 35 U.S.C. 154(b)(2)(C)(1) and 37 C.F.R. §1.704(c)(10). Applicants filed a good faith and candor letter on March 27, 2006. The Office mailed a decision on May 10, 2006, stating that the correct patent term adjustment was one hundred fifty-six (156) days. The decision stated that Applicants should have been assessed an additional delay of ninety-one (91) days pursuant to 37 C.F.R. §1.704(b). Applicants filed the instant request for reconsideration on June 2, 2006. The adjustments of 91 and 70 days are at issue.

A review of the application reveals applicants should not have been assessed delay of ninety-one (91) days, but rather ninety (90) days. The Office mailed a final Office action on June 17, 2003. Applicants did not file a proper reply until they filed an RCE on December 16, 2003. Accordingly, ninety (90) days of applicant delay should have been assessed.

Applicants were however properly assessed applicant delay of seventy (70) days pursuant to 37 C.F.R. §1.704(c)(10). The Office mailed the Notice of Allowance on January 21, 2005. Applicants filed an Amendment on March 25, 2005. The Office mailed a letter in response on June 2, 2005. Accordingly, the seventy (70) days of applicant delay were properly assessed.

Receipt of the \$200 petition fee is acknowledged.

The application file is being forwarded to the Certificates of Correction Branch for issuance of a certificate of correction in order to rectify the error regarding the patent term information. See 35 U.S.C. 254 and 37 C.F.R. §1.322. The certificate of correction will indicate that the term of the above-identified patent is extended or adjusted by **one hundred fifty-seven (157)** days subject to any disclaimers.

Telephone inquiries specific to this letter should be directed to Cliff Congo, Petitions Attorney, at (571)272-3207.

Kery A. Fries

Kery Fries
Senior Legal Advisor
Office of Patent Legal Administration
Office of Deputy Commissioner
for Patent Examination Policy

Enclosure: Copy of Draft Certificate of Correction (1 page)

UNITED STATES PATENT AND TRADEMARK OFFICE
DRAFT CERTIFICATE OF CORRECTION

PATENT : 7,024,296 B2

DATED : April 4, 2006

INVENTOR(S): Squires, et al.

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

On the cover page,

[*] Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 USC 154(b) by (156) days

Delete the phrase “by 156 days” and insert – by 157 days—